

# Wetlands Bureau Decision Report

Decisions Taken  
02/02/2004 to 02/06/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**1999-02071                      BARNES TRUSTEE, RHENDA**  
**GILFORD   Lake Winnepesaukee**

### Requested Action:

Amend permit to include a 22 ft by 37 ft seasonal canopy over the lakeward slip.

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### Conservation Commission/Staff Comments:

The Conservation Commission has no objection.

Inspection Date: 08/11/2000 by John J St. John

Inspection Date: 02/12/2002 by Jeffrey D Blecharczyk

### APPROVE AMENDMENT:

1. Dredge a 15 ft by 38 ft area of rocks from an abandoned structure on the shorefront to restore the shoreline to a natural condition.
2. Fill 840 sq. ft (83 cu. yds.) in public waters to construct a "J-shaped" breakwater, with a 7 ft gap at the shoreline and a 10 ft gap off shore (measured at the full lake elevation).
3. Attach a 4 ft by 30 ft wharf cantilevered to the breakwater, construct a 4 ft by 30 ft piling supported finger parallel to shore, and a 6 ft by 30 ft piling supported wharf partially over the natural shore and connect these docks by a 4 ft by 37 ft walkway cantilevered to the breakwater into a "E-shaped" configuration.
4. Excavate a 240 sq ft area behind the undisturbed rocks along the shoreline for the construction of a 26 ft by 13 ft semicircular perched beach, with a 4 ft wide wooden walkway surrounding the beach, providing access the docking facilities and water, with a one foot wide retaining wall on the back side of the walkway and beach.
5. Construct a 22 ft by 37 ft seasonal canopy over the lakeward slip.

Work to occur on 152 ft of average shoreline frontage on Governors Island, Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with revised plans by R.C. Brown, dated Sept. 21, 2000 as received by the Department on Sept. 26, 2000 and canopy plans by Image Awnings Inc. as received by the Department on January 29, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls must be in place prior to construction, maintained during construction, and remain until the area is stabilized.
4. Rocks from frontage may only be used as a source of breakwater material when removed from another structure on the frontage.
5. Dredged material not incorporated into the new breakwater shall be placed out of the DES Wetlands Bureau jurisdiction.
6. No portion of the breakwater, including any portion underwater, shall be placed within 20 feet of an abutting property line or its imaginary extension into the water.
7. No portion of breakwater above normal full lake elevation (504.32 feet above MSL) shall extend more than 50 feet from normal full lake shoreline.
8. Top of breakwater shall be no higher than 507.32 feet in elevation.
9. Toe of slope shall be 1:1½, rise to run, or greater.
10. Breakwater shall have an irregular face to diffuse wave activity.
11. Stockpiled rocks may not remain stockpiled on the frontage for more than 60 days.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain usefulness more frequently than once every 6 years it shall be subject to removal.
15. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
16. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of the normal high water line (Elevation 504.32).

17. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
18. Filter fabric, and other appropriate measures shall be used to ensure that sand and other materials do not enter the lake.
19. These shall be the only structures on this water frontage.
20. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
21. The seasonal canopy shall not have sides.
22. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major impact project per Rules Wt 303.02(d).
2. The applicant has 152 feet of shoreline frontage on Lake Winnepesaukee.
3. A maximum of three boat slips may be permitted on this frontage per Rule Wt. 402.14, Frontage Over 75'.
4. The proposed docking facilities will provide 3 boat slips as defined by Rule Wt 101.07, Boat slip and therefore are within the requirements of Rule Wt 402.14, Frontage Over 75'.
5. The applicant has met the requirements Rule Wt 402.07(c)(1) to establish the need for a breakwater.
6. Field inspection on August 11, 2000 found little evidence of sand migration at this location.
7. Public hearing is waived based on field inspection, by NH DES staff, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
8. The seasonal canopy amendment request was received prior to the Department's July 17, 2003 canopy policy.

-Send to Governor and Executive Council-

**2002-01268                      ENDICOTT GENERAL PARTNERSHIP, C/O NEWBURY NORTH DE  
GREENLAND   Unnamed Wetland**

Requested Action:

Fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for construction of a 100 linear footbridge, for a 79-lot subdivision on 212 acres. Approve as mitigation preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain, and execution of the Atlantic White Cedar Management Plan by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02.

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Inspection Date: 08/13/2002 by Dori A Wiggin

Inspection Date: 08/13/2002 by David A Price

APPROVE RECONSIDERATION:

Fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for the construction of a 100 linear foot bridge, for a 79-lot subdivision on 212 acres. Approval includes, as mitigation, the preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and, creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain; and, execution of the Atlantic White Cedar Management Plan as prepared by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated 3/10/03 for driveway locations; as received by the Department on 3/18/03, and per bridge plan by Beals Associates entitled "Plan and Profile P2" dated 11/12/03, received by DES 11/18/03.
2. This permit is contingent upon submission of, and approval by DES of, revised plans depicting the following:
  - a. Elimination of the road design for the September Drive access, except for such portion outside of wetlands jurisdiction as may be necessary to ensure sufficient road frontage and/or driveway access for lot 1. As noted in the DES decision on reconsideration,

DES is willing to consider a proposal, complete with an appropriate showing of need, to construct the September Drive access within the five-year period of this permit, and will not consider such a proposal to be a "further wetlands impact" under Wt 304.09(c). The right-of-way depiction on the plan may remain, and this area may be designated as "potential future emergency access location";

b. Replacement of culvert drainage structures with open-bottomed con-span structures, designed in accordance with appropriate drainage calculations, with a minimum vertical clearance of 2 feet, and elimination of associated outlet rip rap, to allow wildlife movement and minimize artificial conditions in wetlands, in the following locations: at station 4+00 between lots 8 and 21; at station 3+00 between lots 28 and 31; and, at station 8+00 between lots 19 and 21.

3. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations.

4. This permit is contingent on approval or sign off by the DES Dam Safety Program.

5. This permit is contingent on approval by the DES Site Specific Program.

6. This permit is contingent on approval by the DES Subsurface Systems Bureau.

7. This permit is contingent upon submission of restoration plans for areas where wells are proposed to be installed in the natural buffer area of the conservation easement, to prevent any impacts as a result of well installation.

8. Restoration of temporary well installation impact areas shall have at least 75% successful establishment of buffer vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional vegetated buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.

9. Coastal staff shall be notified in writing prior to commencement of work and upon completion.

10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

11. All designated filter strip areas are to remain natural and untouched, with the exception of enhancement plantings, however no grading or artificial construction of the filter strip shall occur.

12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

13. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non-erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.

16. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.

17. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.

18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.

19. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

24. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

Land Resources Preservation:

1. This permit is contingent upon demonstration by the applicant that the Greenland Conservation Commission (or other appropriate town or suitable entity) is willing to accept the conservation easement deeds.
  2. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations. This plan shall include revised mitigation acreage totals, based on the changes described herein, for each element of the mitigation. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
  3. This permit is contingent upon the execution of the final conservation easement approved by DES as described in this approval and revised according to condition 2 above.
  4. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
  5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of the Land Resources Preservation section of this approval.
  6. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
  7. The final conservation easement plan approved by DES for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
  8. The applicant shall prepare a report summarizing existing conditions within the conservation area. The report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
  9. The applicant shall submit seasonal monitoring reports monitoring the health of the vernal pool area over 5 years post-development to assure that the vernal pool located adjacent to the wetlands crossing for the access from Breakfast Hill Rd. is thriving with the 80' minimal buffer area.
  10. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
  11. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
- There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
12. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
  13. This permit is contingent upon full implementation of the Atlantic White Cedars Management Plan prepared by Carex Ecosystems dated 12/6/02 as received by DES on 12/6/02.

Wetland construction:

1. This permit is contingent upon the creation of 24,829 sq. ft. of wetlands in accordance with plans received.
2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal

of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

#### With Findings:

Upon reconsideration, the Department has determined that it will now approve a permit to fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for construction of 100 linear footbridge, for a 79-lot subdivision on 212 acres. , This permit approval is conditioned on mitigation preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain, and implementation of the Atlantic White Cedar Management Plan by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02, and is subject to revisions as required in the approval conditions. This decision is based on the record as a whole, which is incorporated herein. The decision is also based on the following findings:

1. On June 12, 2002 DES received an application to fill a total of 61,150 sq. ft. of palustrine wetlands for roadway crossings at 13 locations for a 79-lot subdivision on 212 acres (hereinafter "the Project"). Also submitted as mitigation was the preservation of a total of 98.6 acres, consisting of 20.7 acres of upland and 77.9 acres of wetland, and the creation of a total of 24,829 sq. ft. of flood plain scrub/shrub and emergent marsh wetlands to compensate for wetlands impacts in the 100 year flood plain.

2. The proposed project is considered a major project per Rule Wt 303.02(c) as the impacts to jurisdictional areas exceed 20,000 square feet.

3. On August 13, 2002 DES personnel conducted a field inspection of several of the proposed wetlands impact areas on the site.

4. On November 7, 2002 DES held a public hearing on the application, pursuant to RSA 482-A:8.

5. The record for the November 7, 2002 application hearing closed on January 7, 2003.

6. On March 19, 2003 DES approved the application and issued a permit with the primary finding that a significant portion of the impact (37,150 sq. ft.) was necessary to provide two access roads to the property from Breakfast Hill and September Drive and an internal road connecting the two access roads, as required by the Town of Greenland Planning Board, thereby demonstrating need for that portion of the project, per Rules Wt 302.01(b) and Wt 302.04(a)(1).

7. On April 1, 2003 DES received a letter from the Greenland Conservation Commission ("GCC") requesting reconsideration of the Department's approval decision, citing several areas of concern.

8. On April 7, 2003 DES received a petition for reconsideration of the Department's approval decision from the Conservation Law Foundation ("CLF") also citing several grounds.
9. On July 1, 2003 DES held a public hearing on the requests for reconsideration by the GCC and the CLF.
10. On July 17, 2003 the record for the reconsideration hearing closed.
11. On September 17, 2003 DES issued the reconsideration decision denying the permit issued on March 19, 2003.
12. On October 6, 2003 Endicott General Partnership requested reconsideration of the September 17, 2003 permit denial.
13. On November 18, 2003 DES held a public hearing on the request for reconsideration submitted by Endicott General Partnership.
14. On December 19, 2003 the record for the November 18, 2003 hearing closed.
15. The applicant has reduced the nature of the impact to the Atlantic White Cedar/ vernal pool area by proposing (1) construction of a 100' bridge across the center of the very poorly drained soils that lie between the Atlantic White Cedar area and the vernal pool, as depicted in materials received by DES at the 11/18/04 hearing, and (2) implementation of the management plan submitted for the Atlantic White Cedar area, received by DES on 12/6/02.
16. Relative to issues raised by the CLF and the GCC relative to the adequacy of the wildlife assessment, DES finds the assessment submitted as a part of the application to be adequate and of a quality consistent with the quality of other assessments accepted by DES for projects of a similar nature.
17. CLF and GCC raised issues regarding avoidance and minimization, specifically the need to maintain a contiguous wetland area for wildlife travel and hydrologic continuity. These concerns are addressed in new approval conditions. Specifically, the vernal pools discovered in April 2003 in the vicinity of lots 19, 22 and 23, will now be protected by placement of lots 19, 22 and 23 into conservation and by design changes to the drainage structures to maintain wildlife passage and hydrologic continuity in those locations, as required in permit conditions.
18. In addition, the 50' upland buffer will be extended to provide protection to sensitive wetlands, vernal pool, and stream areas for lots 15-18; 24-29 (excluding 25); and lot 36.
19. The proposed wetlands compensatory mitigation is consistent with the range of mitigation proposals currently accepted by DES policy, and also meets or exceeds the minimum requirements being proposed by DES in the draft mitigation rules.
20. Issues raised by the CLF and the GCC with respect to storm water run-off, hydrologic changes, watershed, and the contention that DES has unlawfully delegated review from the wetlands law to other areas of review within DES, are either incorrect or addressed by other laws administered by DES. The wetlands law, RSA 482-A, is not the appropriate means by which impacts to water quality resulting from upland activities are regulated. The Legislature's intent is clear in terms of the purpose and means by which each environmental resource element will be protected, and are regulated as follows:
  - a. In contrast to RSA 482-A, entitled "Fill and Dredge in Wetlands," RSA Chapter 485-A, entitled "Water Pollution and Waste Disposal," clearly states in 485-A:1, Declaration of Purpose: "The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and ground waters of the state and to prevent nuisances and potential health hazards. In exercising any and all powers conferred upon the department of environmental services under this chapter, the department shall be governed solely by criteria relevant to the declaration of purpose set forth in this section. RSA 485-A:4 Duties of Department further states "It shall be the duty of the department and the department is authorized:
    - I. To exercise general supervision over the administration and enforcement of this chapter.
    - II. To study and investigate all problems connected with the pollution of the surface waters or ground waters of the state."
  - b. With respect to the protection of surface water quality, RSA 485-A:8 states "It shall be the overall goal that all surface waters

attain and maintain specified standards of water quality to achieve the purposes of the legislative classification." And further in paragraph II: "There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the biological, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving waters..."

c. With respect to storm water run-off protection RSA 485-A:17, entitled "Alteration of Terrain states "Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be

directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the department." This permit is independent of the wetlands permit, and administered under its own set of Administrative Rules, Env-Ws 415.

d. With respect to the impact of septic systems, RSA 485-A:29-46, entitled Sewage Disposal Systems, RSA 485-A:32,I, Prior Approval; Permits states "No person shall construct any building from which sewage or other wastes will discharge or construct a sewage or waste disposal system without prior approval of the plans and specifications of the sewage or waste disposal system by the department."

RSA 485-A:34, II, and IV, state "Lot sizes will be in accordance with the type of soil and its ability to absorb wastes without polluting water supplies or adjoining waters" and that "the department may reject applications for septic tank disposal systems in those areas where there is already a high concentration of septic tanks on adjacent, contiguous or nearby areas or if the application is an obvious expansion, addition or annexation to an area which has already reached the maximum allowable concentration of sewage disposal through septic tanks and leaching systems.

RSA 485-A:37 Maintenance and Operation of Subsurface Septic Systems, further states "Any person who has installed or otherwise acquired a subsurface sewage or waste disposal system installed in accordance with the provisions of this subdivision is required to operate and maintain said system in such a manner as to prevent a nuisance or potential health hazard due to failure of the system. RSA 485-A:41 III states that construction of systems which would pollute the surface waters or ground waters of the state are prohibited, until an acceptable and practicable method exists which will prevent the pollution. With respect to private wells, the Department's regulatory authority is limited to assuring that a protective well radius is maintained on site on newly created lots, as specified in Administrative Rules Chapter Env-Ws 1000, "Subdivision and Individual Sewage Disposal System Design Rules", as specified in Part Env-Ws 1008, Sections Env-Ws 1008.04, 1008.05, 1008.06 relative to protective well radii.

Further, it is standard and established practice for DES to coordinate internally as an agency and rely on its own agency files without duplicating files to every other related file within the agency.

21. With respect to the issue raised by CLF relative to the compliance of DES with RSA 9-B in the review of this proposal: RSA 9-B:4 requires state agencies to "give due consideration to the state's policy on smart growth under RSA 9-B:2 when providing advice or expending state or federal funds, for their own use or as pass-through grants, for public works, transportation, or major capital improvement projects, and for the construction ... of facilities." The section also states that "[t]he intent of this action is that new investments and grants for existing sites and buildings in existing community centers will be given preference over investments in outlying areas where that is a practical solution for the use and community in question." DES is not expending funds or pass-through grants for this project, and therefore the requirements of RSA 9-B do not apply to this wetlands review.

22. Relative to Endicott's contention that DES erred in interpreting the Greenland Planning Board's actions relative to access waivers granted for this subdivision: DES disagrees with this statement. DES finds that the minutes of the April 18, 2002 Greenland Planning Board meeting state that the Board did approve a waiver on that date to allow the road length for this subdivision to exceed 1000' as a cul-de-sac, which implies one way in and out of the subdivision. Since the Greenland Planning Board intended to require the September Drive access to be constructed only if traffic conditions warranted, this further implies that the planning board envisioned and accepted the possibility of one access to the subdivision. Because the Planning Board is not presently requiring construction of the proposed September Drive access, DES concludes the applicant has not demonstrated a present need for the wetlands impacts associated with its construction. However, DES finds that the evidence does support the conclusion that there may be a need for such access in the future. In recognition of the potential future need, as evidenced by documents submitted by Endicott with its motion for reconsideration, the proposed September Drive impacts are neither granted nor



denied. If within the five year period of this permit Endicott submits a request to construct the September Drive access, DES will consider it in accordance with the review criteria presently in effect and applied to the remainder of this application. In recognition of the fact that these impacts were clearly included in Endicott's application, DES will not consider such an application to be a "further wetlands impact for lot development" as prohibited under Wt 304.09(c).

In conclusion, DES finds that the project as conditioned meets the requirements of Chapter Wt 300 with respect to demonstrated need for access; least impacting alternative; avoidance and minimization by maintaining the connectivity of the resource for wildlife travel and hydrologic continuity; and provides adequate consideration of the other relevant factors required for application evaluation within the scope of wetlands jurisdiction.

**2002-01760                      KAPIN, ROBERTA**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Amend permit to dredge 24 cy from 360 sqft in slip areas.

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Conservation Commission/Staff Comments:

Con Com does not oppose dredge, questions location of existing breakwater to abutments line and which rocks are to be used for the repair .

Inspection Date: 05/09/2003 by Dale R Keirstead

APPROVE AMENDMENT:

1. Remove 6 linear ft of existing breakwater to construct a 6 ft gap at the shore and replace fallen rocks on the lakeward end of remaining 40 ft breakwater.
2. Relocate a 2 ft by 44 ft permanent piling supported dock to a point 2 ft south of the existing breakwater.
3. Construct a 3 piling ice cluster and install 2 tie off pilings to the west of an existing 4 ft by 39 ft piling supported dock connected to the dock described in item 2 above by an existing 18 ft by 12 ft deck over the bank.
4. Dredge 24 cy from 360 sqft in the slip areas, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work on this 100 ft of frontage on Rattlesnake Island on Lake Winnepesaukee shall be in accordance with plans by Winnepesaukee Marine Construction revision date January 13, 2004, as received by the Department on February 4, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Breakwater repair shall maintain location and configuration.
9. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
10. This permit does not allow for maintenance dredging.
11. The minimum clear spacing between pile bents shall be 12 feet.
12. Excavated breakwater material and dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(j), modification of a breakwater.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived, based on field inspection by NH DES staff on May 9, 2003 with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. The dredge will not add boatslips to the frontage.
7. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
8. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
9. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.14.

-Send to Governor and Executive Council-

**2003-00096                      ALTON SCHOOL DISTRICT, ATTEN: DON PARKS, SUP**  
**ALTON    Unnamed Wetland**

Requested Action:

Amendment request to impact an additional 2091 square feet of roadside drainage ditch, and reduce the conservation easement area from 974,449 square feet to 960,108 square feet to address public safety concerns required by NH DOT.

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Conservation Commission/Staff Comments:

The conservation commission has no objections to the proposed application and is interested in holding the proposed conservation easement on this property.

Inspection Date: 01/09/2003 by Jocelyn S Degler

APPROVE AMENDMENT:

Dredge and fill 37,536 square feet within forested wetlands for roadway construction, and expansion of Route 28 to access the proposed high school and for construction of associated athletic fields. Mitigation for permanent jurisdictional impacts shall include: Preservation via conservation easement approximately 22.04 acres on site, including 13.9 acres of wetlands and 8.1 acres of contiguous upland buffer; Restoration of 4324 square feet of forested shrub/scrub wetland; And the construction of 3,800 square feet of forested scrub shrub wetland.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering dated January 6, 2003, and revised through January 7, 2004 as received by the Department on January 14, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Work within the jurisdiction of DES Wetlands Bureau shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five business days prior to construction.
9. A meeting with all of the principles involved in wetland creation and restoration areas shall be conducted prior to the

commencement of any construction on this site.

10. This permit is contingent upon the creation, and restoration of 8124 sq. ft. of wetlands in accordance with plans received January 17, 2003.

11. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.

12. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.

13. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

14. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report, including photo documentation, outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to the department by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

15. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

16. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

17. This permit is contingent upon the execution of a conservation easement on 22.04 acres as depicted on plans received January 17, 2003.

18. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

19. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

21. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

24. Proper headwalls shall be constructed within seven days of culvert installation.

25. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau

26. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

27. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

28. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

29. Silt fencing must be removed once the area is stabilized.

30. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The additional impacts associated with the amendment are a public safety requirement of the NH Department of Transportation.
6. To compensate for permanent jurisdictional impacts the applicant will preserve via conservation easement approximately 22.04 acres of wetland and contiguous upland buffer, construct 3,800 square feet of wetland and restore square feet of forested wetland.
7. The mitigation proposed to offset permanent wetland impacts on this site exceeds the requirements of the proposed mitigation rules.
8. The restoration and construction component of the mitigation proposed will hydrologically connect a small wetland system with a much larger complex.
9. In an e-mail received January 29, 2004 the Alton Conservation Commission stated they have no objections to the change in the proposed conservation easement.
10. The School District is proposing to incorporate the monitoring of conservation easement area in to the school curriculum.

**2003-01458                      EXETER COOPERATIVE SCHOOL DISTRICT, SAU #16**  
**EXETER    Unnamed Wetland**

Requested Action:

Party requests reconsideration of 11/7/03 approval.

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Inspection Date: 09/25/2003 by Dori A Wiggin

Inspection Date: 09/25/2003 by Christina Altamari

DENY RECONSIDERATION:

Reaffirm approval to fill a total of 188,891 sq. ft., or 4.33 of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter and associated mitigation consisting of preservation of 45.75 acres on site, of which 26.7 acres are wetlands, including all designated prime wetlands on the property, and 19.05 acres is upland buffer habitat, all associated with the Fresh River system. Off-site mitigation consists of 36 acres at the Linden St. existing high school site, encompassing the Little River prime wetlands and its associated wetlands and uplands. The applicant further proposes to construct two vernal pools on-site to replace the vernal pool to be impacted; as well as conduct wetland construction and restoration at the Linden St. site, to improve the quality of the wetlands. This shall be designed in coordination with local, state and federal agencies.

With Findings:

1. The Exeter Regional Cooperative School District, ("SAU 16"), represents six seacoast towns: Exeter, Stratham, Newfields, Brentwood, Kensington, and East Kingston.
2. On 7/11/03 DES received the current application, 2003-1458, from SAU 16 to fill a total of 188,891 sq. ft., or 4.33 acres of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter.
3. Mitigation proposed for this application consists of preservation of 45.75 acres on site, of which 26.7 acres are wetlands, including all designated prime wetlands on the property, and 19.05 acres are upland buffer habitat, all associated with the Fresh River system. Off-site mitigation consists of 36 acres at the Linden St. existing high school site, encompassing 11.7 acres of the Little River prime wetlands and its associated wetlands, and 24.3 acres of uplands, which were the subject of prior applications 98-1143 and 2002-492.
4. On August 8, 2003, DES conducted a prime wetlands public hearing for the proposed project.
5. On October 20, 2003 the record of the August 8, 2003 hearing closed.
6. On November 7, 2003 DES issued an approval to fill a total of 188,891 sq. ft., or 4.33 of freshwater wetlands, as well as upland work adjacent to prime wetlands, to construct a new 2,000 student regional high school with associated athletic fields and parking on an 118.3 acre former horse farm race stable site on Old Town Farm Rd., Exeter, as well as associated mitigation, as described in

finding 3.

7. On November 25, 2003 DES received a request for reconsideration from Anthony Callendrello.

8. Mr. Callendrello asserts that the permittee has failed to properly assess whether the impacts are necessary, unavoidable, and associated with the least impacting alternative, citing the potential use of administrative controls on parking to reduce lot size; that the SAU's needs are "overstated"; that DES never questioned whether there were alternatives to the design requirements.

9. DES denies the assertion of finding 8. DES finds that the applicant has made an appropriately substantiated representation of facility size and needs, including athletics and parking, based on industry guidelines and analysis of program needs. As stated in the original findings, the new facility is necessary to meet projected enrollment for a six town cooperative school district for the next 10-20 years. DES endorses long range planning to evaluate impacts comprehensively, thus avoid piece meal development which results in greater impacts over time. The student population, current and projected, is based on a combination of regional growth rates and student population. The applicant then used a conservative application of school building size guidelines established by the New England Association for Schools and Colleges. At the request of DES, the applicant had previously supplied DES with a detailed analysis of athletic programs and the fields necessary to support those programs, which examined field availability in all SAU 16 towns, and established a master plan for maximizing field use, relative to the previous plan to redevelop the old high school. The current proposal consolidates this fragmented field use into one location.

With respect to DES not questioning alternatives, DES has been involved with the evolution of the upgrade/ expansion of this district's high school since 1998. In the ensuing six years DES had numerous contacts with the applicant and their consultants through application review meetings, three public hearings, and written and verbal communications in the review of applications 98-1143 and 2002-492. Throughout this time DES worked with the applicant to develop the applicant's knowledge of wetlands regulations and the requirements necessary for an approvable project. For the previous proposals DES required extensive alternatives examination, plan revisions, and mitigation development. DES was immediately engaged in the new proposal at the pre-application stage. DES and Federal regulators met with the applicant and their consultants to provide guidance as to how to design the project in the least impacting way. DES met with the applicant to provide guidance on this application four times in approximately six months. The application the SAU ultimately submitted was the culmination of years of coordination between DES, Army Corps and other federal agencies, and the applicant.

10. Mr. Callendrello asserts that the permittee has failed to properly assess, and DES failed to consider project impacts to surface or ground water.

11. DES denies the assertion of finding 10. Issues with respect to storm water run-off, hydrologic changes, watershed, and the contention that DES has unlawfully delegated review from the wetlands law to other areas of review within DES, are either incorrect or addressed by other laws administered by DES. The wetlands law, RSA 482-A, is not the appropriate means by which impacts to water quality resulting from upland activities are regulated. The Legislature's intent is clear in terms of the purpose and means by which each environmental resource element will be protected, and are regulated as follows:

a. In contrast to RSA 482-A, entitled "Fill and Dredge in Wetlands", Chapter 485-A entitled "Water Pollution and Waste Disposal", clearly states in 485-A:1, Declaration of Purpose: "The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and ground waters of the state and to prevent nuisances and potential health hazards. In exercising any and all powers conferred upon the department of environmental services under this chapter, the department shall be governed solely by criteria relevant to the declaration of purpose set forth in this section. RSA 485-A:4 Duties of Department further states "It shall be the duty of the department and the department is authorized:

I. To exercise general supervision over the administration and enforcement of this chapter.

II. To study and investigate all problems connected with the pollution of the surface waters or ground waters of the state."

b. With respect to the protection of surface water quality, RSA 485-A:8 states "It shall be the overall goal that all surface waters attain and maintain specified standards of water quality to achieve the purposes of the legislative classification." And further in paragraph II: "There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the biological, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving waters..."

c. With respect to storm water run-off protection RSA 485-A:17, entitled "Alteration of Terrain states "Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be

directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the department." This permit is independent of the wetlands permit, and administered under its own set of Administrative Rules, Env-Ws 415.

d. With respect to the impact of septic systems, RSA 485-A:29-46, entitled Sewage Disposal Systems, RSA 485-A:32,I, Prior

Approval; Permits states "No person shall construct any building from which sewage or other wastes will discharge or construct a sewage or waste disposal system without prior approval of the plans and specifications of the sewage or waste disposal system by the department."

RSA 485-A:34, II, and IV, state "Lot sizes will be in accordance with the type of soil and its ability to absorb wastes without polluting water supplies or adjoining waters" and that "the department may reject applications for septic tank disposal systems in those areas where there is already a high concentration of septic tanks on adjacent, contiguous or nearby areas or if the application is an obvious expansion, addition or annexation to an area which has already reached the maximum allowable concentration of sewage disposal through septic tanks and leaching systems.

RSA 485-A:37 Maintenance and Operation of Subsurface Septic Systems, further states "Any person who has installed or otherwise acquired a subsurface sewage or waste disposal system installed in accordance with the provisions of this subdivision is required to operate and maintain said system in such a manner as to prevent a nuisance or potential health hazard due to failure of the system.

RSA 485-A:41 III states that construction of systems which would pollute the surface waters or ground waters of the state are prohibited, until an acceptable and practicable method exists which will prevent the pollution. With respect to private wells, the Department's regulatory authority is limited to assuring that a protective well radius is maintained on site on newly created lots, as specified in Administrative Rules Chapter Env-Ws 1000, "Subdivision and Individual Sewage Disposal System Design Rules", as specified in Part Env-Ws 1008, Sections Env-Ws 1008.04, 1008.05, 1008.06 relative to protective well radii.

Further, it is standard and established practice for DES to coordinate internally as an agency and rely on its own agency files without duplicating files to every other related file within the agency.

12. Mr. Callendrello asserts that DES improperly considered budgetary constraints in assessing the feasibility of alternatives.

13. DES denies the assertion of finding 12. Wt 302.04(d)(1) states that DES shall not issue a permit if there is a practicable alternative that would have less impact. DES finds that the alternative that the applicant proposes represents the least impacting practicable alternative. An alternative is determined to be "practicable" if it is available and capable of being done after taking into consideration cost, existing technology and logistics, in light of overall project purposes, therefore budgetary constraints, particularly for a public project expending taxpayer money, are an appropriate consideration in the determination of practicable alternatives.

14. Mr. Callendrello asserts that the decision of DES violates RSA Chapter 9-B.

15. DES denies the assertion of finding 14. RSA 9-B:4 requires state agencies to "give due consideration to the state's policy on smart growth under RSA 9-B:2 when providing advice or expending state or federal funds, for their own use or as pass-through grants, for public works, transportation, or major capital improvement projects, and for the construction ... of facilities." The section also states that "[t]he intent of this action is that new investments and grants for existing sites and buildings in existing community centers will be given preference over investments in outlying areas where that is a practical solution for the use and community in question." DES is not expending funds or pass-through grants for this project on its own behalf, nor does the construction of a municipal cooperative high school qualify as a project to which such expenditures would apply, therefore the requirements of RSA 9-B do not apply to wetlands review.

16. Mr. Callendrello asserts that DES was unclear as to when permit conditions were to be satisfied.

17. DES denies the assertion of finding 16. Making a permit contingent upon fulfillment of conditions implies that the validity of the permit is always subject to the permittee's compliance with those conditions on a immediate and on-going basis. Compliance is monitored by DES through the permittee's submission of monitoring reports; pre-construction meetings; construction compliance monitoring by DES. If, at any time, DES finds that the permittee is not accomplishing compliance with the conditions, DES may take enforcement action, including revocation of the permit. To date, the permittee has completed compliance with permit conditions 1-9, 11, 13, 14, 25, 26, 27, and 35, and is actively engaged with DES in compliance with the other conditions related to construction and mitigation, which demonstrates good faith compliance efforts with this project thus far.

**2003-02302                      STATE OF NH, DOT**  
**ALBANY   Swift River**

**Requested Action:**

Widen, realign and rehabilitate the roadway, regrade ditches, re-align streams, upgrade drainage structures, relocate and enlarge a parking area impacting 75,722 sq. ft. (2,511 sq. ft. temporary) of palustrine and riverine wetlands to provide an improved traveling surface, wider shoulders, reduce horizontal and vertical geometric deficiencies along with improving accessibility and safety at Rocky Gorge Scenic Area.

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Inspection Date: 08/19/2003 by Gino E Infascelli

APPROVE PERMIT:

Widen, realign and rehabilitate the roadway, regrade ditches, re-align streams, upgrade drainage structures, relocate and enlarge a parking area impacting 75,722 sq. ft. (2,511 sq. ft. temporary) of palustrine and riverine wetlands to provide an improved traveling surface, wider shoulders, reduce horizontal and vertical geometric deficiencies along with improving accessibility and safety at Rocky Gorge Scenic Area. NHDOT project #13632A.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 08/03 and 09/03 as received by the Department on October 14, 2003 and plan (sheet 5 of 20) by NHDOT Bureau of Highway Design as received by the Department on November 12, 2003.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission, review and approval of the re-planting plans for the stream diversions at the Rocky Gorge Parking area.
4. When the large arch pipes are eventually replaced they shall be made fish friendly.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Unconfined work within the streams, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Before work begins on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall not be located within surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
18. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
19. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
20. NHDOT shall receive permission from the US Forest Service to conduct work on Forest Service land prior to the start of any work and in the event of changes to the plans.
21. If the blasting of ledge occurs it shall be conducted in a manner to limit rock deposition in areas of jurisdiction.
22. Blasted rocks shall be removed between blasts with the exception of large rocks that may require additional blasting or drilling prior to removal.
23. The NHDOT shall submit pre and post blast photographs with a legend of view locations where blasted rock has potential to

land.

24. A field review shall be coordinated with DES Wetlands Bureau staff following completion of the blasting to review impacts associated with deposited rock.

25. NHDOT shall hire an independent consultant to conduct a post-project environmental assessment of the blasting impacts to areas in DES jurisdiction.

26. The independent consultant shall provide a post project estimate of the volume of rock deposited from the blasting in areas of jurisdiction.

27. If a DES review of the post-project assessment finds that there are significant impacts to jurisdictional areas, NHDOT shall prepare a restoration plan for approval by DES.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on August 19, 2003. Field inspection determined that the realignment and widening would provide a benefit to public safety.

6. The large arch culvert work areas have been designed to accommodate fish passage.

7. The project has been coordinated with the US Forest Service and the Swift River Advisory Committee.

8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine and riverine wetland ecosystem.

**2003-02356                      J&T TRUST, JEROME GROSSMAN TTEE**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 824 square feet of wet meadow wetlands and fill approximately 7,618 square feet of previously disturbed forested and scrub-shrub wetlands to construct a roadway to provide access to a 10-building, 72-unit elderly housing community on 20.34 acres. Restore 13,827 square feet of forested and scrub-shrub wetlands disturbed as part of previous forestry operations on-site. Preserve as open space approximately 15.14 acres on-site, including 9.81 acres of wetlands and 5.33 acres of contiguous upland buffer.

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Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated October 27, 2003 the Rochester Conservation Commission (ConCom) recommended approval of the application. The ConCom did, however, note the poor location, placement and installation of silt fence around the majority of the wetlands on-site and recommended correct installation of silt fence.

Inspection Date: 01/13/2004 by Vicki P Chase

APPROVE PERMIT:

Dredge and fill approximately 824 square feet of wet meadow wetlands and fill approximately 7,618 square feet of previously disturbed forested and scrub-shrub wetlands to construct a roadway to provide access to a 10-building, 72-unit elderly housing community on 20.34 acres. Restore 13,827 square feet of forested and scrub-shrub wetlands disturbed as part of previous forestry operations on-site. Preserve as open space approximately 15.14 acres on-site, including 9.81 acres of wetlands and 5.33 acres of contiguous upland buffer.

With Conditions:

1. All work shall be in accordance with the Overall Condominium Site Plan (Sheet C1), the Wetland Impact Plan (Sheet C3(WET)) the Erosion Control Details (Sheet C6) and the Erosion Control and Detention Pond Details (Sheet C7) by Norway Plains Associates, Inc. dated July 2003 and revised December 31, 2003, as received by the Department on January 7, 2004.



2. The permittee shall comply with all specific conditions of the Restoration Plan Approval issued by the DES Wetlands Bureau on January 23, 2004. Failure to comply with the specific conditions of said Restoration Plan Approval may result in enforcement action by the Department, including remediation, fines and permit revocation.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Rochester Conservation Commission of the date project construction is proposed to begin.
7. Work shall be conducted during low flow conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(c), as the project involves greater than 20,000 square feet of nontidal wetlands alteration.
2. The applicant is proposing to preserve as open space approximately 15.14 acres on-site, including 9.81 acres of wetlands and 5.33 acres of contiguous upland buffer.
3. In a letter to the DES Wetlands Bureau dated October 27, 2003 the Rochester Conservation Commission (ConCom) recommended approval of the application. The ConCom did, however, note the poor location, placement and installation of silt fence around the majority of the wetlands on-site and recommended correct installation of silt fence.
4. DES Wetlands Bureau staff conducted a field inspection of the property on January 13, 2004. During the field inspection DES Wetlands Bureau staff observed that silt fence had been properly installed along the periphery of the site except for a small area in the southeast portion of the property. DES Wetlands Bureau staff requested repair/re-installation of the silt fence in this location. Although the field inspection was conducted during frozen ground conditions, DES Wetlands Bureau staff determined that the wetland delineation appeared to be accurate.
5. On January 14, 2003 the DES Site Specific Program issued Permit WPS-6666 for the project.
6. On January 23, 2004 the DES Wetlands Bureau issued a Restoration Plan Approval authorizing approximately 13,827 square feet of restoration of previously disturbed forested and scrub-shrub wetlands on-site.
7. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
8. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
10. Based on observations made during the inspection of the property, and based on review of information submitted in support of the application, the Department waives public hearing with the finding that the project will not significantly impair the functions of

the remaining wetlands on-site.

**2003-02435                      NH DEPT OF TRANSPORTATION**  
**CHESTERFIELD   Unnamed Wetland**

**Requested Action:**

Roadway improvement consisting of paving, guardrail and drainage impacting  
9,710 sq. ft. (1,760 sq. ft. temporary) of emergent wetland and intermittent streams.

\*\*\*\*\*

Inspection Date: 01/20/2004 by Gino E Infascelli

**APPROVE PERMIT:**

Roadway improvement consisting of paving, guardrail and drainage impacting  
9,710 sq. ft. (1,760 sq. ft. temporary) of emergent wetland and intermittent streams. NHDOT project #13991.

**With Conditions:**

1. All work shall be in accordance with the modified plans by NHDOT Bureau of Highway Design, as received by the Department on November 24, 2003, except as amended per January 26, 2004 inter-department memo eliminating area "T" as received by the Department on January 28, 2004.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

**With Findings:**

1. This is a minor impact project per Administrative Rules Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands and Wt 303.03(l), alteration of less than 200 linear feet of intermittent streams.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 20, 2004. Field inspection determined area "T" would impact stream channels that needed to be shown on the plan along with the method of protecting large trees and a well.
6. The amended application addresses the objections raised by concerned parties by eliminating areas N and T which reduces the impacts by 6,850 sq. ft.
7. Rule Wt 501.01(c) addresses the need for abutter notification and states that "This notification shall not be required for logging operations, projects in utility rights-of-way, or public highway construction."

## MINOR IMPACT PROJECT

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**2002-02389                      WINDWARD REALTY GROUP LLC**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Approve name change to: Karen L. & Delmer deVos, 27 Cosma Rd., North Easton, Ma 02356 per request received 2/6/04.

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### Conservation Commission/Staff Comments:

No USGS map. Scrap of tax map is inadequate for digitizing.

### APPROVE NAME CHANGE:

Remove 1 rock, and construct two 6 ft x 25 ft seasonal piers connected by two 6 ft x 11 ft seasonal walkways accessed by a 4 ft x 6 ft seasonal walkway in a "Y" configuration accessed by a 5 ft x 6 ft stairway and construct a 14 ft x 18 ft perched beach with two 1 ft x 6 ft steps accessing the water on an average of 161 ft of frontage on Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 7, 2003, as received by the Department on March 10, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. All dredged and excavated material shall be placed outside of any area that is within the jurisdiction of the DES Wetlands Bureau
6. No portion of the pier shall extend more than 45 feet from the shoreline at full lake elevation.
7. Seasonal piers shall be removed for the non-boating season.
8. The department shall amend this approval to allow for a permanent dock, at such time during the life of the permit, that the applicant submits evidence that the seasonal pier will not provide safe docking on the frontage. Failure to provide such evidence during the life of the permit shall not prejudice the department against future applications.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of

vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

15. Rocks removed from the lakebed shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

16. No rocks shall be dredged or deposited within 20 ft of an abutting property line extension of that line into the water.

17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-00217                      DELONG, THOMAS**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Fill approximately 1,925 square feet within wet meadow wetlands and retain 2,412 square feet of previously unauthorized fill within wet meadow wetlands to construct a driveway to provide access to a single-family building lot.

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Conservation Commission/Staff Comments:

No comments received from the Barrington Conservation Commission.

Inspection Date: 04/21/2003 by Vicki P Chase

APPROVE PERMIT:

Fill approximately 1,925 square feet within wet meadow wetlands and retain 2,412 square feet of previously unauthorized fill within wet meadow wetlands to construct a driveway to provide access to a single-family building lot.

With Conditions:

1. All work shall be in accordance with the Wetland Crossing Plan by Bruce Pohopek dated August 18, 2003 and revised December 1, 2003 as received by the Department on January 30, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low flow and low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. In response to a complaint received by the Department on February 7, 2003, alleging unauthorized work within the Department's jurisdiction, DES Wetlands Bureau staff conducted a field inspection of the property on April 21, 2003.
3. On June 3, 2003 DES Wetlands Bureau Compliance and Permitting staff conducted a pre-application meeting with the applicant.
4. On September 2, 2003 DES Wetlands Bureau Permitting staff met with the applicant to review the site plan for the proposed

- driveway. 5. On October 24, 2003 DES Wetlands Bureau Permitting staff met with the applicant and the applicant's wetland scientist to discuss the wetlands permit application process.
6. On December 9, 2003 the Department received the applicant's Standard Dredge and Fill Application requesting a total of 4,337 square feet of proposed and previously unauthorized wetlands fill to construct a driveway to access a single-family building lot.
7. The applicant has received written consent from the owner of Lot 14-3C (Barrington Tax Map 13) for work within 20 feet of the property line, in accordance with Rule Wt 304.04(a).
8. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
9. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

**2003-02040                      LAKESIDE COLONY, C/O GARY WITLY**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Replace 4 support pilings, and repair an existing 8 ft x 31 ft dock (of which 288 sq ft extends over the imaginary extension of the property line) connected to an existing 10 ft x 31 ft full crib dock in an 'L' shape, attached to an existing 19 ft x 21 ft full crib boathouse with a 5 ft 6 in x 22 ft full crib walkway in-kind , and remove a 60 sq ft boulder, which is located entirely over the imaginary extension of the property line, for safe docking on an average of 117 ft of frontage on Nineteenmile Bay, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. did not object to project.

Abutter opposed project.

DENY PERMIT:

Replace 4 support pilings, and repair an existing 8 ft x 31 ft dock (of which 288 sq ft extends over the imaginary extension of the property line) connected to an existing 10 ft x 31 ft full crib dock in an 'L' shape, attached to an existing 19 ft x 21 ft full crib boathouse with a 5 ft 6 in x 22 ft full crib walkway in-kind , and remove a 60 sq ft boulder, which is located entirely over the imaginary extension of the property line, for safe docking on an average of 117 ft of frontage on Nineteenmile Bay, Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:11, Administrative Provisions, "[n]o permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."
3. In accordance with RSA 482-A:3(I), "the applicant shall provide postal receipts or copies, verifying that abutters...have been notified by certified mail."
4. In accordance with Rule Wt 302.04(a)(11), Requirements for Application Evaluation, the applicant shall consider the impact upon abutting owners pursuant to RSA 482-A:11,II.
5. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, the Department shall not grant a permit if there is a practical alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
6. In accordance with Rule Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant a permit if the applicant has failed to document consideration of any of the factors required in Rule Wt 302.04(a).
7. In accordance with Rule Wt 304.04(a), Setback From Property Lines, the Department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
8. In accordance with Rule Wt 101.66 "repair" means the restoring of an existing legal structure by partial replacement of worn,

broken, or unsound parts.

9. This project is classified as a minor project per Rule Wt 303.03(g)removal of no more than 20 cu yd of material from public waters.

#### Findings of Fact

10. On September 11, 2003, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Tuftonboro tax Map 040, Lot 11, to repair the existing docking structure 'in-kind' and remove rocks under a nonconforming pier.

11. This project involves removing rocks in front of the abutters frontage(identified as Tuftonboro Tax Map 040, Lot 12) under the existing nonconforming pier.

12. The affected abutter opposes the proposed rock removal, as it encroaches on their property line extension and will unduly impact their frontage by increasing both the amount of boat traffic and size of the boats utilizing the structure.

12. The applicant states that the docking structure is "grandfathered" and the owner's rights to "safe use" pre-date the rights of the abutter. The applicant further states that the rock is a navigational hazard and the removal will not impact the abutter's frontage.

13. The applicant states that the rock removal is part of a repair to maintain the safe and reasonable use of the docking structure.

14. The rock to be removed is not a "worn, broken, or unsound part" of the structure and there is no evidence that its removal will "restore" the structure to its pre-existing condition.

15. The abutter to the east of Tax Map 040, Lot 12 has not been notified of the proposed project.

#### Rulings in Support of the Decision

16. The applicant has failed to notify all abutters adjacent to the proposed project as required by RSA 482-A:3(I).

17. The removal of the rock from beneath the structure does not meet the definition of repair and will allow a change in the use of the structure that would adversely impact the abutter and therefore is not approvable per RSA 482-A:11.

18. The applicant has failed to provide the approval of the project from the owner of the property identified as Tuftonboro Tax Map 040, Lot 12, as required by Rule Wt 304.04(a).

**2003-02124                      BROWN, NOWELL/JEANNETTE**  
**BATH   Unnamed Wetland**

#### Requested Action:

Restore 3400 square feet of palustrine emergent wetland and retain 1300 square feet of impact including an 18-inch x 20 foot culvert.

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#### Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

#### APPROVE AFTER THE FACT:

Restore 3400 square feet of palustrine emergent wetland and retain 1300 square feet of impact including an 18-inch x 20 foot culvert.

#### With Conditions:

1. All work shall be in accordance with plans and narrative by Lobdell Associates Inc, as received by the Department on September 18, 2003 and subdivision plans by Harry J Burgess, dated March 2003 as received by the department on January 21, 2003.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. This permit is contingent on the restoration of 3,400 square feet of wetland.

4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

6. Work shall be done during low flow.

7. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Approval.

8. Wetland restoration shall be complete prior to the commencement of house construction.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. The restoration area shall be regraded to the original contours.
12. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
13. All material removed during restoration activities shall be placed out of DES's jurisdiction.
14. Mulch within the restoration area shall be straw.
15. Seed mix within the restoration area shall be a native wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of restoration.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a notarized letter of written agreement for impacts within 20 feet of the property line.
6. The applicant has agreed to restore 3,400 square feet of wetland previously impacted.

**2003-02285                      DAGESSE, DANIEL & ELAINE**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing F-shaped piling dock, and replace with a 'W'-shaped docking structure consisting of (1) 6 ft x 33 ft piling pier, and (2) 6 ft x 35 ft piling piers connected by (2) tapered 6 ft x 12 ft walkways, accessed by existing granite steps, retain (2) existing jet ski lifts and (1) existing 14 ft x 30 ft canopy, and install (1) 14 ft x 30 ft canopy on an average of 274 ft of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Com has no objections to proposed project.

DENY PERMIT:

Permanently remove an existing F-shaped piling dock, and replace with a 'W'-shaped docking structure consisting of (1) 6 ft x 33 ft piling pier, and (2) 6 ft x 35 ft piling piers connected by (2) tapered 6 ft x 12 ft walkways, accessed by existing granite steps, retain (2) existing jet ski lifts and (1) existing 14 ft x 30 ft canopy, and install (1) 14 ft x 30 ft canopy on an average of 274 ft of frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:2, VIII(a), Definitions, "[b]oat slip, on water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured."
3. In accordance with RSA 482-A:3, I, Excavating and Dredging Permit, "[t]he permit application fee for minor and major shoreline structure projects shall be \$100 plus...\$1 per square foot for permanent dock surface area; \$.50 per square foot of seasonal dock surface area; and \$.10 per square foot for dredge or fill surface area or both."
4. In accordance with Rule Wt 101.12, Canopy, "means a seasonal open structure with a flexible roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season."
5. In accordance with Rule Wt 302.03, Avoidance and Minimization, "[t]he applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that his proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction."
6. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall demonstrate by plan and example the need for the proposed project.
7. On July 17, 2003, the Wetlands Bureau issued a policy statement clarifying the dimensions of a canopy to be consistent with the size of a boatslip as defined by RSA 482-A. The limited length is based on the requirements of Rules Wt 302.03 and 302.04(a)(1).
8. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, "[t]he Department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction."
9. In accordance with Rule Wt 204.06, After-the-Fact Application, "[a]pplications received after work is completed shall be subjected to the same review as given any other application. Consideration of an after-the-fact application shall not preclude or limit the department's exercise of any enforcement powers it otherwise possesses."
10. This project is classified as a minor impact project per Rule Wt 303.03(d), construction of a 4-slip docking structure that utilizes no more than 100 feet of water frontage.

#### Findings of Fact

11. On October 8, 2003, the Wetlands Bureau received an application for surface water impacts, on the property identified as Gilford Tax Map 252, Lot 2, for the removal of an existing 'F-shaped' docking structure, replaced with a 'W-shaped' docking structure, including the installation of an additional seasonal canopy.
12. This project involves the installation of a 14 ft x 30 ft seasonal canopy, which exceeds the length of a boat slip on Lake Winnepesaukee.
13. On November 17, 2003, the Wetlands Bureau requested that the applicant revise the application to conform to current policy requirements by reducing the proposed canopy to 25 feet in length, submit the appropriate filing fee, and provide dated water depths to justify added dock length.
14. On January 22, 2004, the applicant submitted adjusted water depths to provide proof of need for added dock length but refused to revise the canopy dimensions and submit the additional requested fee.
15. The applicant stated that it is unfair and not the intent of the statute for applicants to pay for new fees on existing unpermitted impacts.
16. The F-shaped docking structure will be removed and replaced with a new W-shaped docking structure that is not contained within the pre-existing footprint, and therefore RSA 482-A requires the entire fee be submitted.
17. The applicant has submitted various examples of canopies permitted over 25 ft long.
18. Each of these permits cited by the applicant was issued to applications received prior to the issuance of the July 2003 policy memo.
19. The applicant claims that there is no administrative rule specifically regulating canopy sizes.
20. The applicant states that it is unfair that they cannot have canopies of the same dimensions.
21. The applicant did not explain why a 30 ft canopy would be less impacting than a 25 ft canopy.

#### Rulings in Support of the Decision

22. The applicant has failed to provide any evidence that the Wetlands Bureau has been inconsistent in its application of the 25 ft



canopy policy since its implementation on July 17, 2003.

23. The applicant has failed to provide the additional filing fee necessary to meet the requirements of RSA 482-A:3, and therefore is denied per RSA 482-A:6.

24. The applicant has failed to provide an explanation of the need for a canopy longer than a boatslip, and therefore is denied per Rules Wt 302.04(d)(1) and (5).

25. The applicant has failed to design a canopy that minimizes and avoids impacts as required per Rule Wt 302.03, and therefore is denied.

**2003-02290                      BLUEFISH CONSTRUCTION CO, LLC**  
**RAYMOND   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 4,439 square feet of forested wetlands to install a 6-foot x 3-foot x 57-foot box culvert and construct a roadway to provide access to a 14-unit residential condominium development on approximately 30.25 acres. Preserve approximately 15.65 acres of wetlands and contiguous upland buffer on-site, including approximately 700 linear feet along the Exeter River.

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Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated October 26, 2003, the Raymond Conservation Commission stated that it had no concerns with the project.

APPROVE PERMIT:

Dredge and fill approximately 4,439 square feet of forested wetlands to install a 6-foot x 3-foot x 57-foot box culvert and construct a roadway to provide access to a 14-unit residential condominium development on approximately 30.25 acres. Preserve approximately 15.65 acres of wetlands and contiguous upland buffer on-site, including approximately 700 linear feet along the Exeter River.

With Conditions:

1. All work shall be in accordance with the following plans by Ambit Engineering, Inc.:
  - a. The Development Site Plan (Sheet 5), the Erosion Control Plan (Sheet 8), the Proposed Roadway Plan and Profile (Sheet 10), and the Details (Sheet 17) dated January 2003 and revised January 2, 2004, as received by the Department on January 7, 2004; and
  - b. The Subdivision Plan (Sheet 2), the Condominium Site Plan (Sheets 3 & 4), the Development Site Plan (Sheets 6 & 7), and the Erosion Control Site Plan (Sheet 9) dated January 2003 and revised September 16, 2003 as received by the Department on October 9, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback, except for activities associated with forestry management.
5. Any further alteration of areas on this property associated with forestry management that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Raymond Conservation Commission of the date project construction is proposed to begin.
8. Work shall be conducted during low flow conditions.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.

12. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion. shall be properly rip rapped.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. To minimize wetlands impacts the roadway that will access the condominium development has been designed to incorporate 2:1 side slopes at the wetland crossing.
3. The applicant has eliminated stormwater detention in wetlands during the 2-year and 10-year storm events by incorporating a 6-foot x 3-foot box culvert, as opposed to a traditional 24-inch diameter culvert, into the project design.
4. The applicant will preserve, through execution of a conservation easement, approximately 15.65 acres of wetlands and contiguous upland buffer on-site, including approximately 700 linear feet along the Exeter River.
5. In a letter to the DES Wetlands Bureau dated October 26, 2003, the Raymond Conservation Commission stated that it had no concerns with the project.
6. In a letter dated October 21, 2003, the DES Wetlands Bureau notified the Exeter River Local Advisory Committee (ERLAC) of the proposed project. The DES Wetlands Bureau received no comments from ERLAC regarding the project.
7. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
8. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02681                      TPR DEVELOPMENT CO., LLC**  
**FRANCESTOWN   Irrigation Pond**

Requested Action:

Reconstruction and upgrades to be conducted on an existing Dam identified as the Irrigation Pond Dam #085.18 in Francestown. Work to include 7,210 square feet of temporary impacts for direct repairs to the upstream side of the dam, 130 square feet of temporary impacts downstream and 2,160 of palustrine forested wetlands and 100 linear feet of a seasonal drainage will be dredged for construction of an emergency spillway.

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Conservation Commission/Staff Comments:

No comments submitted by the Conservation Commission as of February 4, 2004.

DES Dam Bureau tentatively approved the dam reconstruction permit on January 5, 2004. The dam permit is further contingent on obtaining a wetlands permit prior to release of the dam permit.

APPROVE PERMIT:

Reconstruction and upgrades to be conducted on an existing Dam identified as the Irrigation Pond Dam #085.18 in Francestown. Work to include 7,210 square feet of temporary impacts for direct repairs to the upstream side of the dam, 130 square feet of temporary impacts downstream and 2,160 of palustrine forested wetlands and 100 linear feet of a seasonal drainage will be dredged

for construction of an emergency spillway.

With Conditions:

1. All work shall be in accordance with plans by H.L. Turner Group, Inc. dated November 11, 2003, as received by the Department on December 4, 2003.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on review by the DES Wetlands Bureau, of final diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. The applicant shall notify the NHDES Wetlands Bureau and the Franconia Conservation Commission in writing no less than five (5) days prior to the commencement of construction.
5. Work shall be done during drawdown.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project proposes to alter approximately 100 linear feet of a seasonal drainage channel within a palustrine forested wetland and is therefore considered a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of an intermittent or perennial stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is required to provide and maintain continued public safety downstream of the existing dam.

**2003-02733                      PLANIT DEVELOPMENT GROUP &, J.P. HARE**  
**MOULTONBOROUGH   Unnamed Wetland**

Requested Action:

Fill 5505 square feet of man made or disturbed palustrine wetland for lot development and temporarily impact 300 square feet of wetland for sewer line connection.

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Conservation Commission/Staff Comments:

The conservation commission has concerns with the discharge from the proposed car wash, and they are unclear where post development flows on the site will be directed.

APPROVE PERMIT:

Fill 5505 square feet of man made or disturbed palustrine wetland for lot development and temporarily impact 300 square feet of wetland for sewer line connection.

With Conditions:

1. All work shall be in accordance with plan sheet 1 of 2 by David M Dolan and Associates PC dated November 2003, as received by the Department on December 10, 2003, and plan sheet NHDES Wetland Application Addendum by David M Dolan and Associates PC dated February 5, 2004 as received by the Department on February 6, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Area of temporary impact shall be regraded to original contours following completion of work.
8. Seed mix within the temporary impact area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
9. The temporary impact area shall be mulched with straw.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. The areas of permanent impact were approved by the NH Wetlands Board on March 28, 1991 (permit 1988-1728) and September 12, 1995 (permit 1995-01354).
3. The applicant has constructed the mitigation areas in accordance with the approved plans in 1995 prior to the completion of the development.
4. On May 10, 2001, DES Staff conducted an inspection of the mitigation area. This inspection concluded that the mitigation area had been a successful execution of the approved design. DES Staff also noted the wetlands were providing flood storage and wildlife habitat functions.
5. The area of temporary impacts is to connect to the existing sewer service to alleviate the need for an on site effluent disposal system.
6. The proposed car wash is to be a closed system which will recycle the water therefore the waste water from this facility will not enter into the mitigation area or the sewer line.
7. The applicant must submit written permission from NH Department of Transportation (NHDOT) to DES Wetlands prior to commencing work within the NHDOT Route 25 Right of way.
8. The drainage issues that concern the conservation commission will be addressed by the review and approval of an Alteration of Terrain Permit.

**2003-02750                      PETERBOROUGH, TOWN OF**  
**PETERBOROUGH   Nubansit River**

Requested Action:

Dredge and fill 2,296 square feet (including 805 square feet of temporary impacts) in riverine wetlands and within the banks of the Nubansit Brook to replace the Wilder Street Bridge. Work within jurisdiction consists of installation of a temporary bridge and the removal of existing piers and abutments and construction of a new bridge deck and abutments.

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Conservation Commission/Staff Comments:

No comments submitted from the local conservation commission.

Inspection Date: 10/15/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 2,296 square feet (including 805 square feet of temporary impacts) in riverine wetlands and within the banks of the Nubanusit Brook to replace the Wilder Street Bridge. Work within jurisdiction consists of installation of a temporary bridge and the removal of existing piers and abutments and construction of a new bridge deck and abutments.

With Conditions:

1. All work shall be in accordance with plans by Edwards and Kelcey dated October, 2003, as received by the Department on December 16, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on review by the DES Wetlands Bureau of final erosion control plans and installation of the temporary bridge crossing. Those plans shall detail the temporary siltation, erosion and turbidity control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. There shall be no excavation or operation of construction equipment in flowing water.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), disturbance of between 50 and 200 linear feet of a perennial nontidal stream and its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 15, 2003. Field inspection determined the proposed plans accurately depict the site conditions.

6. This project will benefit public safety.

**2004-00077**

**LEVIN, LIZA**

**RYE Tidal Buffer**

**Requested Action:**

Temporarily impact 1,992 square feet of developed upland tidal buffer zone and permanently impact 975 square feet of developed upland tidal buffer zone for the installation of a replacement effluent disposal system. Project impacts total 2,967 square feet of developed upland tidal buffer zone.

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**APPROVE PERMIT:**

Temporarily impact 1,992 square feet of developed upland tidal buffer zone and permanently impact 975 square feet of developed upland tidal buffer zone for the installation of a replacement effluent disposal system. Project impacts total 2,967 square feet of developed upland tidal buffer zone.

**With Conditions:**

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated August 2003, with revisions dated January 9, 2004, as received by the Department on January 13, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(b), projects that involve work within 50 feet of a salt marsh.
2. Per Wt 302.01, the applicant has demonstrated that the proposed impacts are needed to replace a failed septic system.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under DES' jurisdiction, as the proposed project will greatly improve the existing conditions on site by permanently removing an existing cesspool and washing machine discharge which flow directly into the abutting salt marsh.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Each of the two abutters whose property lines exist within 20 feet of the proposed impacts have provided their written approval.
6. NH Natural Heritage Inventory (NHNHI) has record of one natural community of special concern within the project area, an Atlantic White Cedar Basin Swamp; four state threatened plant species, Large Bur-Reed (*Sparganium eurycarpum*), Salt-Loving Spike-Rush (*Eleocharis halophila*), Slender Blue Flag (*Iris prismatica*), and Small Spike-Rush (*Eleocharis parvula*); and one plant species of special concern, Atlantic White Cedar (*Chamaecyparis thyoides*).
7. DES review of this application finds that none of the NHNHI identified species or communities will be negatively impacted as a result of this project, as the work will take place completely within the developed upland tidal buffer zone.

**MINIMUM IMPACT PROJECT**

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**1997-01878**

**RYE, TOWN OF**

**RYE Fairhill Saltmarsh**

Requested Action:

Request a one year time extension to complete work associated with the restoration of the Fairhill Salt Marsh to reestablish proper hydrology and tidal flushing and to improve wildlife habitat, abate the encroachment of invasive plant species and aide in mosquito control utilizing Open Marsh Water Management technology.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Party - Town Of Rye:

Conserv Memo: Supports and is a party in the project.

Staff Memo: This project is similar in concept and design to the one approved for the Landing Road Salt Marsh in Hampton (# 97-1741) and which has been successfully implemented.

APPROVE TIME EXTENSION:

Approve a one year time extension, per Rule Wt 502.01(a)(2), to complete work associated with the restoration of the Fairhill Salt Marsh to reestablish proper hydrology and tidal flushing and to improve wildlife habitat, abate the encroachment of invasive plant species and aide in mosquito control utilizing Open Marsh Water Management technology. per plans received on 10/22/1997.

With Conditions:

1. The NH DES Salt Marsh Restoration Technical Advisory Staff shall be notified in writing prior to commencement of work and upon completion.
2. All phases of this project shall be coordinated with the NH DES Salt Marsh Restoration Technical Advisory Staff.
3. The permittee/ contractor shall maintain a photo log and keep a written report of all phases of the project.
4. The report documenting all phases of the project shall be submitted to the DES Wetlands Bureau and a copy provided to the Rye Conservation Commission upon completion of the project.

With Findings:

1. This project is a cooperative effort between the Town of Rye, NH Office of State Planning Coastal Program, NH DES Wetlands Bureau, US Fish & Wildlife Service, Ducks Unlimited, and the Gulf of Maine Council on the Marine Environment.
2. The project was only partially completed due to budgetary constraints. This time extension will allow for completion of the project as proposed.

**2003-01131                      GILFORD YACHT CLUB, C/O DAVE JOHNSON**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Amend conditions to include elevation of dredged lake bottom.

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Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

Con. Com. requested that abutters be notified once work begins for potential navigational problems, also watch for effects to the culverts on Wildwood Road.

APPROVE AMENDMENT:

Maintenance dredge 593 cu yds from 5,200 sq ft of lakebed on an average of 1,220 ft of frontage on Smith Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated January 7, 2003, as received by the Department on June 5, 2003 and cross sections as revised August 5, 2003 as received by the Department on October 27, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and

remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Shoreline abutters shall be notified once dredging begins.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Amended Condition

14. No dredge below elevation 498.32.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge existing boat basin.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Conservation Commission requested that abutters be notified once work begins.

**2003-01133                      GLENDALE YACHT CLUB**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Amend permit to include elevation of completed dredge.

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Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE AMENDMENT:

Maintenance dredge 830 cu yds of material from 17,100 sq ft of lakebed on an average of 246 ft of frontage on Smith Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans and cross sections by Steven J. Smith & Associates, Inc. dated May 21, 2001, as received by the Department on October 27, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and



remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be done during drawdown.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Added Condition

13. No dredging below elevation 499.32.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge of an existing docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01247                      TENSEN, AREND & PAULA**  
**LYME   Man-made Ditch**

Requested Action:

Approve after the fact dredge of 1750 square feet palustrine forested wetland for the construction of a drainage ditch.

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Conservation Commission/Staff Comments:

The conservation commission recommends approval of the application.

APPROVE AFTER THE FACT:

Retain 175 linear foot drainage ditch to conduct water away from pasture and improve water quality.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.

**2003-01596                      WARNER VILLAGE WATER DISTRICT, JIM BAILEY**  
**WARNER   Warner River**

Requested Action:

Temporary excavation of the bank along the Warner River to repair a leaking water main

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APPROVE AFTER THE FACT:

Temporary excavation of the bank along the Warner River to repair a leaking water main

With Conditions:

1. Area shall be regraded to original contours following completion of work.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v).
2. The project was necessary to repair a leaking water main in the bank of the Warner River, Warner NH.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on July 23, 2003.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2003-01876                      BOUDREAU, LOUIS & SUZANNE**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Install a 27 ft x 18 ft seasonal canopy over 2 slips provided by an existing 77 linear ft, "dogleg," breakwater, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier accessed by a 4 ft x 33 ft walkway connected to a 2 ft x 30 ft center piling pier, with an wharf along the shoreline of varying width, in an "E" shape, on an average of 188 ft of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. placed a hold on application

DENY PERMIT:

Install a 27 ft x 18 ft seasonal canopy over 2 slips provided by an existing 77 linear ft, "dogleg," breakwater, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier accessed by a 4 ft x 33 ft walkway connected to a 2 ft x 30 ft center piling pier, with an wharf along the shoreline of varying width, in an "E" shape, on an average of 188 ft of frontage on Lake Winnepesaukee.

With Findings:  
Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:2, VIII(a), Definitions, "[b]oat slip, on water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured."
3. In accordance with Rule Wt 101.12, Canopy, "means a seasonal open structure with a flexible roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season."
4. In accordance with Rule Wt 302.03, Avoidance and Minimization, "[t]he applicant shall submit a statement describing the impact of the proposed project design and provide evidence which demonstrates that his proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction."
5. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall demonstrate by plan and example the need for the proposed project.
6. On July 17, 2003, the Wetlands Bureau issued a policy statement clarifying the dimensions of a canopy to be consistent with the size of a boatslip as defined by RSA 482-A. The limited length is based on the requirements of Rules Wt 302.03 and 302.04(a)(1).
7. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, the Department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
8. This project is classified as a minimum impact project per Rule Wt 303.04(o), deemed minimum impact by the department based on the degree of environmental impact.

Findings of Fact

9. On August 21, 2003, the Wetlands Bureau received an application for surface water impacts, on the property identified as Gilford tax Map 252, Lot 2, for the installation of a seasonal canopy over a previously permitted boatslip.
10. This project involves the installation of a 27 ft x 18 ft seasonal canopy, which exceeds the length of a boat slip on Lake Winnepesaukee.
11. On September 9, 2003, the Wetlands Bureau requested that the applicant revise the application to conform to current policy requirements and reduce the proposed canopy to 25 feet in length.
12. The applicant has submitted various examples of canopies permitted over 25 ft long.
13. Each of these permits cited by the applicant was issued to applications received prior to the issuance of the July 2003 policy memo.
14. The applicant claims that there is no administrative rule specifically regulating canopy size.
15. The applicant claims that the policy on canopies only applies to expedited applications.
16. The applicant did not explain why a 27 ft canopy would be less impacting than a 25 ft canopy.

Rulings in Support of the Decision

17. The applicant has failed to provide any evidence that the Wetlands Bureau has been inconsistent in its application of the 25 ft canopy policy since its implementation on July 17, 2003.
18. The applicant has failed to provide an explanation of the need for a canopy longer than a boatslip, and therefore is denied per Rules Wt 302.04(d)(1) and (5).
19. The applicant has failed to design a canopy that minimizes and avoids impacts as required per Rule Wt 302.03, and therefore is denied.

**2003-02525                      PETERBOROUGH OIL CO., INC**  
**NEW IPSWICH   Tributary To Souhegan River**

Requested Action:

fill approximately 1,400 square feet of a seasonal drainage for the creation of a gas station/convenience store

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Conservation Commission/Staff Comments:

Conservation Commission requested a 40 day hold per RSA 482-A:11, III, to provide time for submittal of comments.

SORLAC submitted comments on December 29, 2003, particular to stormwater treatment, site reclamation, and emergency response plans related to the close proximity to the Souhegan River.

WITHDRAW APPLICATION:

fill approximately 1,400 square feet of a seasonal drainage for the creation of a gas station/convenience store

**2003-02636**

**STRYKER SALES CORP**

**LEBANON Unnamed Wetland**

Requested Action:

Fill 1050 square feet of man made wetland for access to developable uplands in the rear of the lot.

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Conservation Commission/Staff Comments:

The conservation commission recommends approval of the proposed application.

APPROVE PERMIT:

Fill 1050 square feet of man made wetland for access to developable uplands in the rear of the lot.

With Conditions:

1. All work shall be in accordance with plans by McFarland and Johnson dated October 2003, as received by the Department on November 24, 2003 and retaining wall detail by McFarland and Johnson as received by the Department on February 6, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be done during low flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The applicant shall monitor for invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) and attempt to control them by measures agreed upon by the Wetlands Bureau during the early stages of vegetative establishment.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The conservation commission recommended approval of the proposed application.

**2003-02752**

**HAMBLIN, ROGER**

**CENTER HARBOR Lake Winnepesaukee**

Requested Action:

Replace an existing 4 ft x 16 ft 6 in crib and an existing 4 ft x 31 ft crib with (1) 3 ft x 16 ft 6 in crib and (1) 3 ft x 31 ft crib, and repair in-kind (1) 6 ft x 12 ft crib, (1) 6 ft x 14 ft crib, and (1) 6 ft x 5 ft crib, supporting a 16 ft 6 in x 51 ft boathouse with a 4 ft x 51 ft walkway, and install a boatlift hoist inside boathouse adjacent to (2) boathouses over the water in Cavaliers Cove, Lake Winnepesaukee.

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APPROVE PERMIT:

Replace an existing 4 ft x 16 ft 6 in crib and an existing 4 ft x 31 ft crib with (1) 3 ft x 16 ft 6 in crib and (1) 3 ft x 31 ft crib, and repair in-kind (1) 6 ft x 12 ft crib, (1) 6 ft x 14 ft crib, and (1) 6 ft x 5 ft crib, supporting a 16 ft 6 in x 51 ft boathouse with a 4 ft x 51 ft walkway, and install a boatlift hoist inside boathouse adjacent to (2) boathouses over the water in Cavaliers Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 20, 2003, as received by the Department on December 12, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Removed boathouse and crib material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior.
5. Existing rocks inside the ballasts shall be used for repair. No Additional Rocks.
6. Two cribs shall be repaired and reduced to widen the existing boatslip by a total of 1 ft.
7. Repair of three cribs and walkway shall maintain existing size, location and configuration.
8. This permit does not allow for any dredging of the boatslips.
9. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing boathouse by reducing the size of two existing cribs with no change in size, location or configuration of the footprint.

**2003-02790                      ALLISON, RICHARD**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair and replace in-kind an existing 32 ft 3 in by 11 ft 8 in boathouse, attached to an existing 94 sq ft full crib dock and an existing 148 sq ft full crib, with an existing 10 ft by 11 ft concrete pad over the shore on an average of 100 ft of frontage on Keniston Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Repair and replace in-kind an existing 32 ft 3 in by 11 ft 8 in boathouse, attached to an existing 94 sq ft full crib dock and an existing 148 sq ft full crib, with an existing 10 ft by 11 ft concrete pad over the shore on an average of 100 ft of frontage on Keniston Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated December 10, 2003, as received by the Department on December 17, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. All removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
8. Repair shall maintain existing size, location and configuration.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00017                      NH DEPT OF TRANSPORTATION**  
**LYME   Unnamed Wetland**

Requested Action:

Fill 677 sq. ft. of emergent wetland to extend a drainage culvert 40 feet to provide safety improvements along Route 10.

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APPROVE PERMIT:

Fill 677 sq. ft. of emergent wetland to extend a drainage culvert 40 feet to provide safety improvements along Route 10. NHDOT project ##13287.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, as received by the Department on January 6, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

**2004-00084                      BAKER, DOUGLAS & ELIZABETH**  
**DURHAM   Unnamed Pond**

Requested Action:

Fill 2,995 square feet of a manmade pond for the construction of a driveway access to buildable uplands.

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APPROVE PERMIT:

Fill 2,995 square feet of a manmade pond for the construction of a driveway access to buildable uplands.

With Conditions:

1. All work shall be in accordance with plans by American Engineering Consultants, Corp. dated December 12, 2003, with revisions dated January 7, 2003, as received by the Department on January 14, 2003.
2. This permit is contingent upon the restoration of 775 square feet of nontidal wetlands, through which a road currently exists.
3. The Permittee shall submit photographs of the restored wetlands to the DES Wetlands Bureau.
4. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate fill area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single-family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2003-02872                      HILDRETH, KS**  
**CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Canterbury Tax Map 8, Lot# 37

**2004-00033                      GIFFORD, BREWSTER/A**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R2, Lot# 62

**2004-00128                      CARNEY, THOMAS**  
**MILAN   Unnamed Stream**

Conservation Commission/Staff Comments:  
Questioned Forester on why this property was under another name. Forester called town, TM 42, Lot 2 Parcels A-R, belongs to Yankee Forestry LLC. TM 42. Lots 0-6, belong to Mr. Carney

COMPLETE NOTIFICATION:  
Milan Tax Map 42, Lot# 2

**2004-00144                      WHEELER, SUSAN**  
**BOW   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bow Tax Map 17, Lot# 9

**2004-00145                      CURRIER, BRETT & BRENDA**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 43, Lot# 48



**2004-00146                      CURRIER, BRETT & BRENDA**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilman ton Tax map 43, Lot# 48-2

**2004-00147                      MOORE, PETER**  
**NEWBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newbury Tax Map 34, Lot# 092,064

**2004-00148                      AUSTIN, REBECCA & CHRIS CROWE**  
**LISBON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lisbon Tax map R3 & R4, Lot# 4 & 3

**2004-00149                      HOWARD, LYNN**  
**DUBLIN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dublin Tax map 3, Lot# 13C

**2004-00150                      WHITTEMORE, FREDRICK**  
**PEMBROKE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Pembroke Tax Map 264, Lot# 88

**2004-00158                      B&S REALTY**  
**RINDGE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rindge Tax Map 6, Lot# 99-6

## EXPEDITED MINIMUM

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**2003-00687                      SOUNDINGS AT KONA COVE INC, C/O RUDY STEINSKY**  
**MOULTONBOROUGH   Lake Winnipесаке**

Requested Action:

Amend permit to repair docking facility damaged by ice.

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Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE AMENDMENT:

Replace in kind a previously permitted major docking facility consisting of 22 slip docking facility with 19 finger docks accessed by a 6 ft x 92 ft walkway on an average of 50 ft of frontage on Lake Winnepesaukee, Moultonboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 4, 2004, as received by the Department on February 5, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. Removed pilings shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
11. This permit does not allow for dredging.
12. This permit does not allow for repair of the ice clusters.
13. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2003-02630**  
**GRANTHAM**

**BEST, ANDREW/JENNIFER**

Requested Action:

Install a total of three, 15-inch by 30 foot culverts, impacting 360 square feet of man made seasonal wetland for access to lots 1, 2 and 5 in the subdivision of 33.26 acres into 9 single family residential lots.

\*\*\*\*\*

Conservation Commission/Staff Comments:

11/17/2003 - The Grantham Conservation Commission reviewed the application and voted to approve.

APPROVE PERMIT:

Install a total of three, 15-inch by 30 foot culverts, impacting 360 square feet of man made seasonal wetland for access to lots 1, 2 and 5 in the subdivision of 33.26 acres into 9 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Andrew and Jennifer Best, submitted to DES on January 30, 2004, as received by the Department on February 2, 2004 and Subdivision Plans by Central Land Surveying Inc. dated August 27, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done in the dry.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert inverts shall be laid at existing grade.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped in accordance with the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), as the project will alter less than 3,000 square feet of non tidal wetlands and Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access pieces of property for a single family building lots.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided information that all work within Wetland Bureau Jurisdiction will be a minimum of 20 feet from the abutting property lines.
6. The applicant has provided a copy of the driveway permit issued by the Town of Grantham illustrating their agreement for work within the Town's Right of Way.

**2003-02639                      BAGONE III, ROCCO**  
**LOUDON   Unnamed Wetland**

Requested Action:

Temporally impact 1875 square feet of palsturine wetland for test borings to determine bridge design for access to the existing campground.

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Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application form.

APPROVE PERMIT:

Temporarily impact 1875 square feet of palustrine wetland for test borings to determine bridge design for access to the existing campground.

With Conditions:

1. All work shall be in accordance with plans by TAW Associates dated November 3, 2003, as received by the Department on November 24, 2003.
2. Work shall be done under frozen conditions.
3. Every effort shall be made to minimize impacts to jurisdiction.
3. All areas within wetland jurisdiction disturbed shall be regraded to original grade and stabilized by mulch and tack within 3 days of disturbance.

**2003-02746**

**DEWITT, RINK**

**MOULTONBOROUGH Unnamed Wetland**

Requested Action:

Install two culverts impacting a total of 1500 square feet of palustrine emergent wetland for roadway and driveway access in the subdivision of 47.88 acres into 12 single family residential lots.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Moultonborough Conservation Commission signed off on this expedited application.

APPROVE PERMIT:

Install two culverts impacting a total of 1500 square feet of palustrine emergent wetland for roadway and driveway access in the subdivision of 47.88 acres into 12 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans C1 and C2 by Fluet Engineering, dated August 2003, as received by the Department on December 11, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done in the dry.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert inverts shall be laid at existing grade.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped in accordance with the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), as the project will alter less than 3,000 square feet of non tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02858                      WHITE, MICHAEL/CHERY**  
**MIDDLETON   Sunrise Lake**

Requested Action:

Replenish a previously permitted beach with 10 cy of sand, construct 36 lf of retaining wall landward of the existing beach, repair a previously permitted 4 ft by 20 ft seasonal dock on 125 ft of frontage on Sunrise Lake, Middleton.

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Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Replenish a previously permitted beach with 10 cy of sand, construct 36 lf of retaining wall landward of the existing beach, repair a previously permitted 4 ft by 20 ft seasonal dock on 125 ft of frontage on Sunrise Lake, Middleton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on January 30, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Work shall be done during drawdown.
8. Repair shall maintain existing size, location and configuration.
9. The dock shall not extend more than 20 ft lakeward from full lake elevation.
10. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
13. This permit shall be used only once, and does not allow for annual beach replenishment.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d).

**2004-00058                      TYLER, SHARON**  
**LACONIA   Lake Winnisquam**

Requested Action:

Repair 50 linear ft of existing riprap along shoreline and reset existing stone steps on 227 ft of frontage on Lake Winnisquam, Laconia.

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Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Repair 50 linear ft of existing riprap along shoreline and reset existing stone steps on 227 ft of frontage on Lake Winnisquam, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Kathleen Surowlec dated December 9, 2003, as received by the Department on January 12, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00059                      LEE, DAVID**  
**ALTON    Lake Winnepesaukee**

Requested Action:

Replace (2) fender pilings and straighten an existing damaged 6 ft x 35 ft 5 in piling supported dock on an average of 140 ft of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replace (2) fender pilings and straighten an existing damaged 6 ft x 35 ft 5 in piling supported dock on an average of 140 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 16, 2003, as received by the Department on January 12, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Any removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to construction.
6. Repair shall maintain existing size, location and configuration.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00098**

**PENNOYER, SHELDON & PENELOPE**

**GREENFIELD Unnamed Wetland**

Requested Action:

Dredge 4,340 square feet of paulstrine scrub shrub wetland to construct a pond.

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Conservation Commission/Staff Comments:

Greenfield Conservation Commission signed off on this application.

APPROVE PERMIT:

Dredge 4,340 square feet of paulstrine scrub shrub wetland to construct a pond.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife dated November 10, 2003, as received by the Department on January 20, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Work shall be done during low flow or periods of dry conditions.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. No fill shall be done for lot development.
9. The proposed plantings along the aquatic shelves shall be of native shrubs and native ground covers representing a diverse selection of species.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**LAKES-SEASONAL DOCK NOTIF**

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**2003-00417                      FIDLER, WENDELL**  
**KINGSTON   Country Pond**

COMPLETE NOTIFICATION:  
Kingston Tax Map OR14-3, Lot# 3 Country Pond

**2004-00168                      WOOD, JOSHUA**  
**HARRISVILLE   Harrisville Pond**

Conservation Commission/Staff Comments:  
Per request of new owner, Mary Philbin, a notice of completeness - seasonal dock notification letter was sent.

COMPLETE NOTIFICATION:  
Harrisville Tax Map 61, Lot# 19 Harrisville Pond

**2004-00169                      FLANNERY, PAUL**  
**ALTON   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Alton Tax Map 78, Lot# 28 Lake Winnepesaukee

**PERMIT BY NOTIFICATION**

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**2004-00117                      SUNNY PRAIRIE FARMS, INC.**  
**MILFORD   Unnamed Wetland**

Conservation Commission/Staff Comments:  
There was no signature from the Milford Conservation Commission

**2004-00167                      WILDING-WHITE REVOC TRUST, SHERRY**  
**BEDFORD   Unnamed Wetland**



Conservation Commission/Staff Comments:  
Bedford Conservation signed off on this PBN